

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SERENITIVA LLC,

Plaintiff,

v.

MITEL NETWORKS, INC.,

Defendant.

CIVIL ACTION NO 6:17-cv-461

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Serenitiva LLC makes the following allegations against Mitel Networks, Inc.

PARTIES

2. Plaintiff Serenitiva LLC (“Plaintiff” or “Serenitiva”) is a Texas limited liability company with its principal place of business at 1400 Preston Rd, Suite 492, Plano, Texas 75094.

3. On information and belief, Mitel Networks, Inc. (“Defendant” or “Mitel”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1146 N. Alma School Rd, Mesa, AZ 85201.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has committed acts of infringement in this District and has a regular and established place of business in this District. This includes, without limitation, the Plano office of Mitel Networks, Inc., located at 5850 Granite Parkway, Suite 600, Plano, TX 75024.

6. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,865,268

7. Plaintiff is the owner of United States Patent No. 6,865,268 ("the '268 patent") entitled "Dynamic, Real-Time Call Tracking for Web-Based Customer Relationship Management." The '268 Patent issued on March 8, 2005. A true and correct copy of the '268 Patent is attached as Exhibit A.

8. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '268 patent. The '268 patent provides, among other things, "A method for providing interactive, real-time call tracking and resolution management over a communications network, comprising the steps of: providing an on-line call ticket request form for creating and submitting a call ticket for resolution; generating and displaying an interactive, on-call board user interface that identifies a plurality of members that are assigned and available to respond to a call ticket from a customer, a present status of each member and a primary contact number; automatically generating and displaying on the on-call board a plurality of icons representing communications options for each member based on the member's status; and providing a plurality of icons that are accessible to each member and that generate hyperlinks to a plurality of additional functions associated with call tracking and resolution."

9. Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '268 patent, including at least Claim 1, in this district and elsewhere in the United States. Particularly, Defendant's MiContact Center ("the accused instrumentality") provides a method for providing interactive, real-time call tracking and resolution management over a communications network. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendant

has injured Plaintiff and is thus liable for infringement of the '268 patent pursuant to 35 U.S.C. § 271.

10. Based on present information and belief, the accused instrumentality provides an on-line call ticket request form (e.g., phone, email, chat) for creating and submitting a call ticket (e.g., ticket) for resolution.

EMPOWER YOUR CUSTOMERS

GIVE CUSTOMERS CHOICE ON HOW THEY COMMUNICATE

Customers want options on how they can communicate with you. Voice, email, web chat, SMS, and fax are all desired means of serving your customers, provided you are just as responsive to these media as you are to phone calls. Mitel® MiContact Center solutions allow you to efficiently integrate and maintain service levels across all media.

What customers or competitors are saying about your business on social media forums, such as blogs and Twitter®, now has a significant impact on your brand. MiContact Center solutions deliver integration with third-party social media monitoring applications. The social media monitoring application monitors social media sites and filters information for relevant posts and activity, which can then be distributed to contact center agents and / or queues

http://www.mitel.com/mitel_syndication/download/9071/11331?preferred_domain=en_mitel_usa

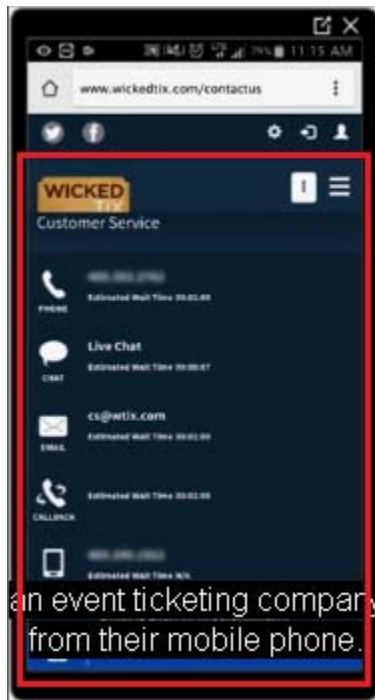
Multimedia Contact Center

Our Multimedia Contact Center Solution enables you to differentiate your business by empowering customers with flexible media options, increase customer satisfaction and loyalty with first contact resolution and quick and efficient service across all media, and use flexible workflow routing to enhance the routing of customer inquiries and improve the efficiency of your contact center.

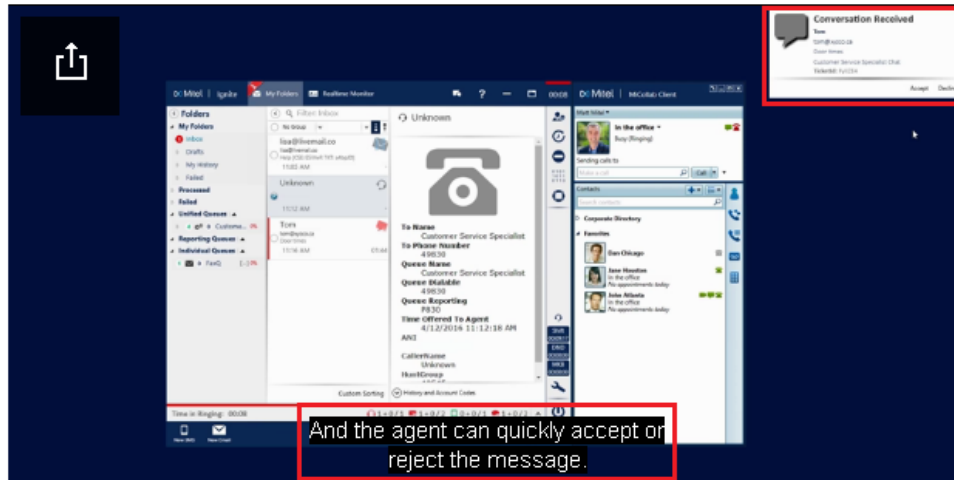
Multimedia Contact Center enables you to:

- Support customers through the media of their choice: voice, email/fax, social media and self service
- Choose the email infrastructure that best suits your needs with support for Microsoft Exchange, Microsoft Office 365, and Gmail (using Google Apps for Business)
- Create highly flexible, integrated multimedia workflows from a visual, drag-and-drop user interface that can include auto-responses for self service
- Provide customers with feature-rich Web chat across all devices
- Publish estimated wait times for all medias and all queues to your corporate Website so customers can make informed decisions about how to contact you
- Support pushing and pulling of customer inquiries from multimedia queues and skills-based multimedia routing
- Provide managers and supervisors with easy to use, sophisticated multimedia real-time and historical reporting capabilities

<http://www.mitel.com/products/collaboration-software/micontact-center-management-and-reporting-applications>



<http://www.mitel.com/insights/product-demo-micontact-center-business>



<http://www.mitel.com/insights/product-demo-micontact-center-business>

11. Based on present information and belief, the accused instrumentality generates and displays individually to a plurality of members (e.g., agents) on a display device of each member an interactive, on-call board user interface window (e.g., Mitel console) that identifies members that are assigned (e.g., agents) and available to respond (e.g., agent's status i.e. available) to a call ticket (e.g., ticket) from a customer, a number of call tickets (e.g., active tickets) assigned to each member, a present status of each member (e.g., agent's status i.e. available) and a primary phone number (e.g., phone number) designated by each member corresponding to a voice communication device located at an office or non-office location where the member can most likely be communicated with via the voice communication device.

AGENT PACKAGES

	BASIC AGENT	STANDARD AGENT	ADVANCED AGENT	PREMIUM AGENT
Standard Reporting and Forecasting	♦	♦	♦	♦
Custom Reporting		♦	♦	♦
Real Time Monitoring	♦	♦	♦	♦
Call Accounting		♦	♦	♦
Enterprise Presence and Chat		♦	♦	♦
Manage Agent and Queue Status		♦	♦	♦
Identify and Prioritize Calls in Queue			♦	♦
Resilient reporting and monitoring			♦	♦
Computer Telephony Integration (CTI) and Screen Pop			♦	♦
CTI Toolkit			♦	♦
Multimedia support, i.e., email, web, SMS, fax, social media				♦

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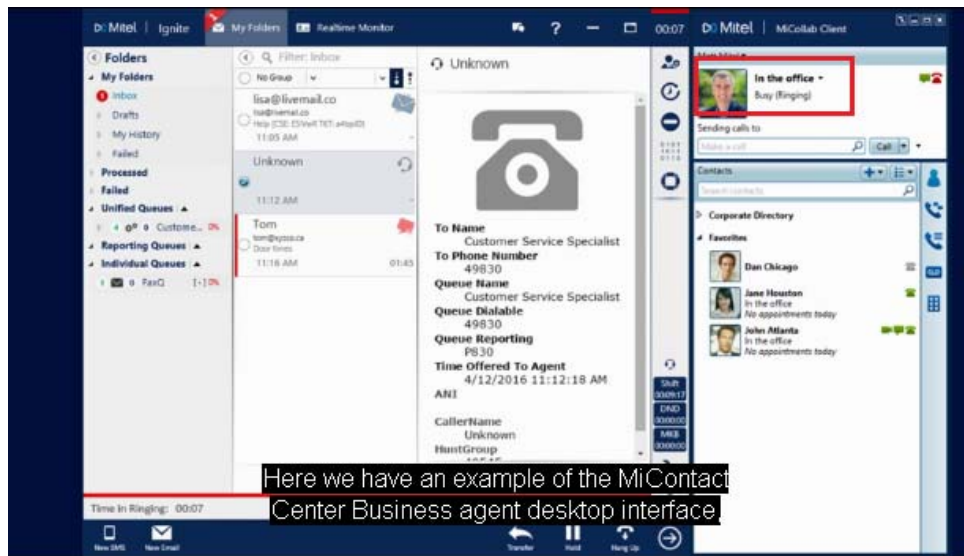
DRIVE AGENT AND SUPERVISOR PRODUCTIVITY

GIVE AGENTS AND SUPERVISORS TOOLS FOR SUCCESS

MiContact Center delivers desktop productivity tools that enable agents and supervisors to make informed decisions and provide prompt service. Supervisors can see and manage who is available to answer calls and how queues are performing.

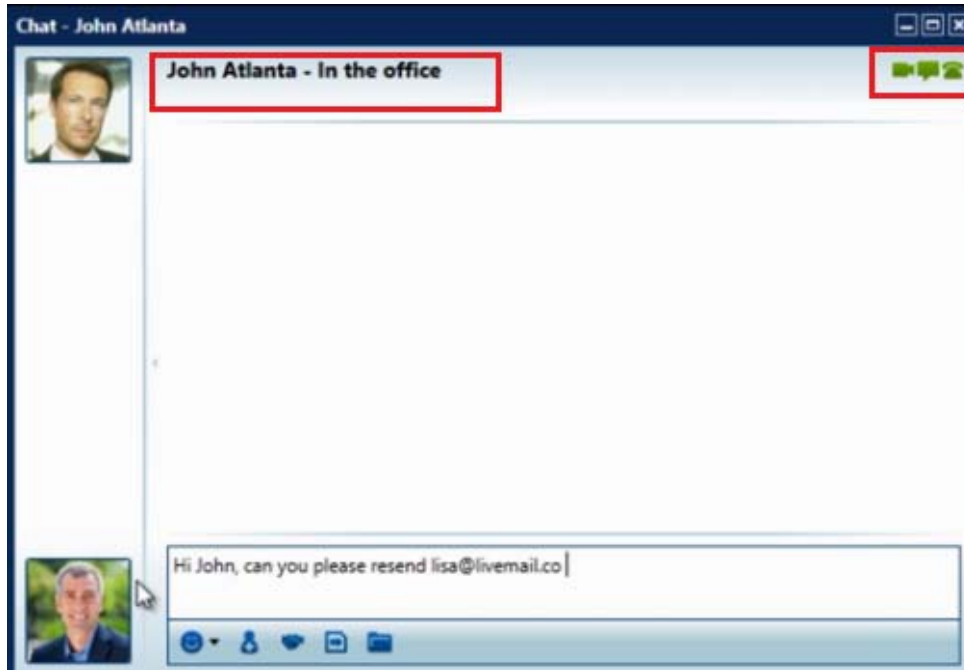
Agents can efficiently handle calls from their computer desktop – performing telephony actions using fewer steps with reduced errors in call processing for an optimized customer experience.

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Here we have an example of the MiContact Center Business agent desktop interface.

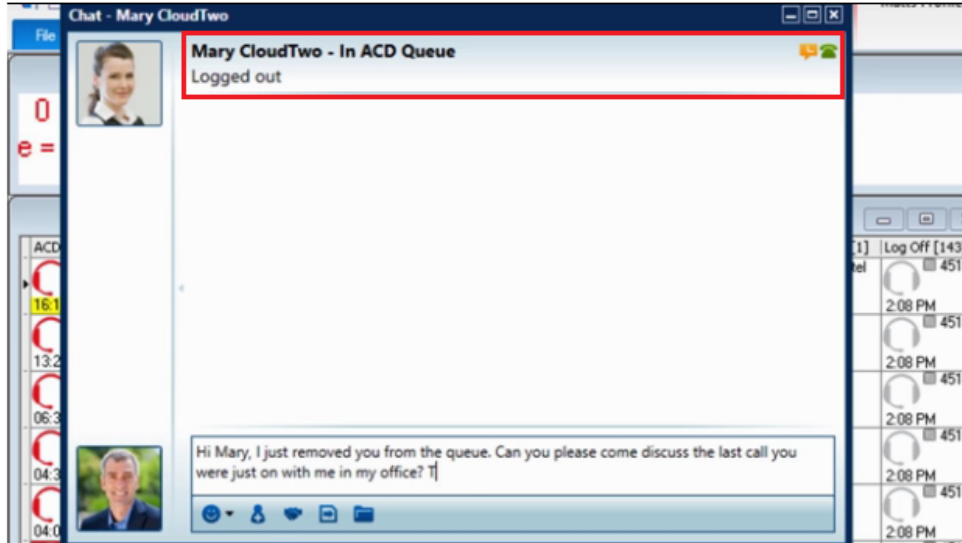
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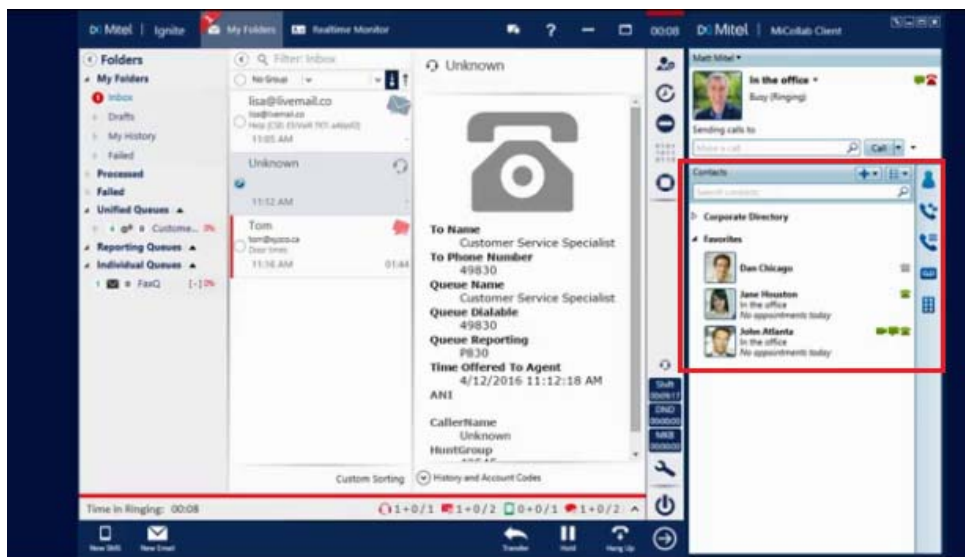
Agent State by Time						
ACD [12]	Idle [1]	Non ACD[7]	Unavailable [5]	Logged in not present [1]	Log Off [143]	
4111 Megan C P001 12:49	4912 May Cloud 4912C 12:46	4515 Jaime D 1596 19:05	4515 Josh S 196 20:07 Unknown Ma 20:05	4913 Matt Miel 4913D 12:49	451E 2:08 PM	
4111 Case D P001 12:19		4514 Jason A 1423 07:43	4615 Shari A 22:40 Unknown Ma 22:40	4514 2:08 PM	4514 2:08 PM	
4111 Brett O P001 10:48		4514 May V 1458 04:09	4514 Jennifer R 19:05 Unknown Ma 19:05	4514 2:08 PM	4514 2:08 PM	
4111 Angel F P001 06:32		4514 Margo D 1445 01:32	4513 Anthony C 08:13 No Make B 01:51	4514 2:08 PM	4514 2:08 PM	
4111 George O P001 05:19		4511 Strabo S 1129 01:26	4111 Jason N 01:51 Manager C	4514 2:08 PM	4514 2:08 PM	
4111 Amy H P001 03:56		4514 Bradley S 1473 00:35		4514 2:08 PM	4111 2:02 PM	
4111 Marc L P001 02:57		4613 Kara A 1321 00:03		4111 2:00 PM	4111 1:58 PM	
4111 Desty J P001 02:37				4912 2:00 PM		
4111 Christy L P001 01:57						
4111 Jennifer N 1119						

<http://www.mitel.com/insights/product-demo-micontact-center-business>

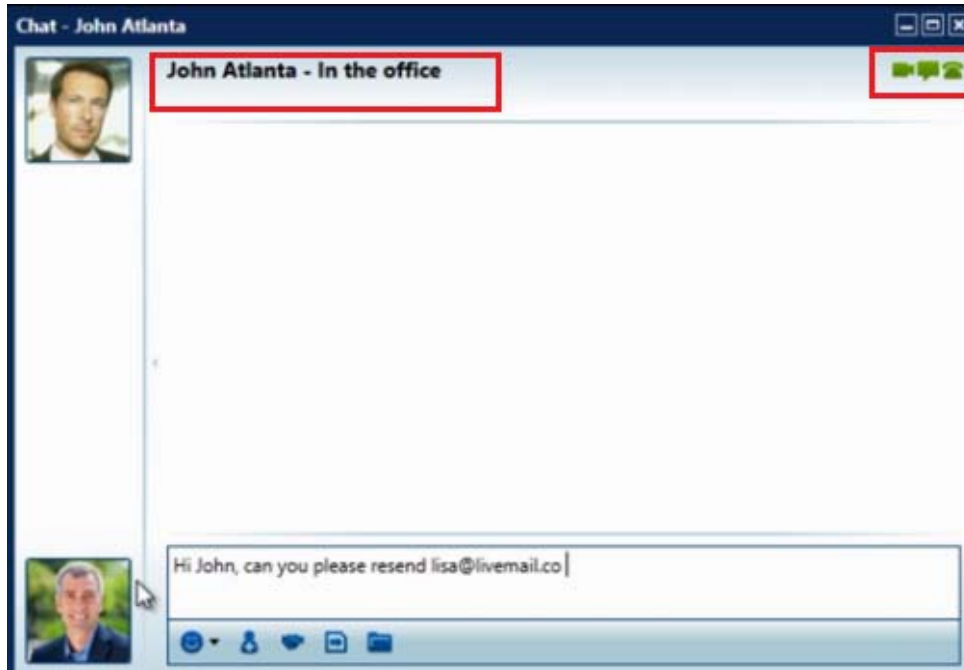


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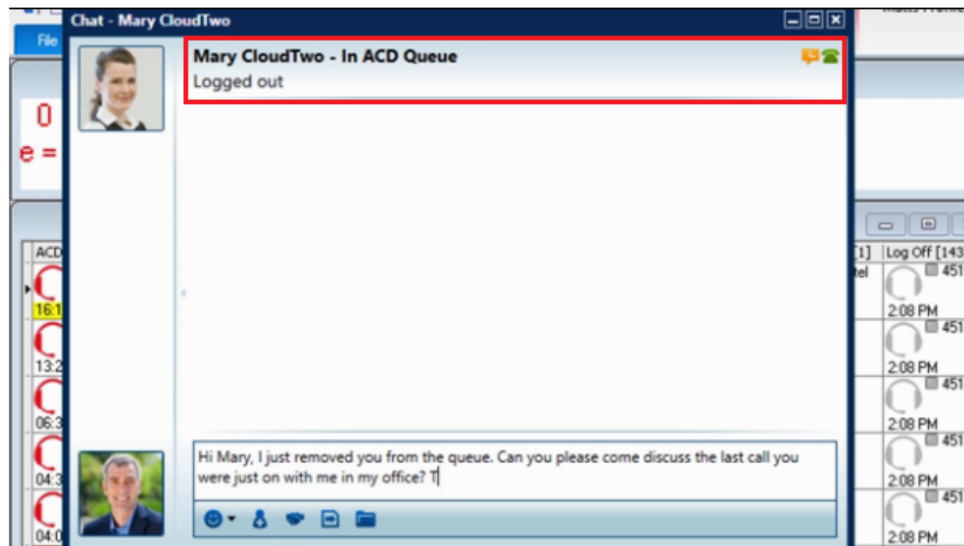
12. Based on information and belief, the accused instrumentality automatically generates and displays on the on-call board user interface window (e.g., Mitel console) a plurality of icons representing communications options (e.g., chat, call, email, and conference) for each member based on the member's status.



<http://www.mitel.com/insights/product-demo-micontact-center-business>



<http://www.mitel.com/insights/product-demo-micontact-center-business>



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13. Based on present information and belief, the accused instrumentality provides a plurality of icons on the on-call board user interface window (e.g., Mitel console) that are accessible to each member and that generate hyperlinks to a plurality of additional Functions (e.g., knowledge base) associated with call tracking and resolution.

PUT CUSTOMER INFORMATION AT YOUR AGENTS' FINGER TIPS

Mitel's seamless integration with back office systems, such as customer relationship management (CRM), presents agents with critical customer data screen pops, enabling them to provide customers with the information they need, when they need it. This results in greater customer satisfaction and loyalty, as well as immediate and ongoing business success.

RESOLVE CUSTOMER INQUIRIES – THE FIRST TIME

Mitel's ability to unify communications provides agents with real-time availability and presence at the desktop. Agents can instantly locate, message, or conference in subject matter experts to obtain immediate answers. With customer profiling, intelligent contact routing, and enterprise presence, Mitel helps agents answer customer inquiries in a single transaction.

http://www.mitel.com/mitel_syndication/download/9071/11331?preferred_domain=en_mitel_usa

Respond to emails in the most effective way

- *Handle any IMAP/SMTP email service*
- *Email can be routed by the Script Manager tool for self-service automated replies, outbound campaigns, routing based on senders address, content of e-mail and more*
- *Incoming emails can be directly routed to the correct service group*
- *Integration with in-house or third party Knowledge Base*
- *All email saved for future reference and fully searchable for historic interactions*
- *Supervisor review of workflow*

<http://www.mitel.com/sites/default/files/MiCC%20Enterprise%20Brochure%20341108-R1611-EN%20W.pdf>

14. In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

15. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

16. In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '268 Patent complied with all marking requirements under 35 U.S.C. § 287.

17. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '268 Patent;
2. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '268 Patent as provided under 35 U.S.C. § 284;
3. An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,
SERENITIVA LLC

Dated: August 11, 2017

/s/ Papool S. Chaudhari

By: _____

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